



Signed and Filed: April 29, 2020

A handwritten signature in cursive script, reading "Dennis Montali", is written over a horizontal line.

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

|   |   |                      |
|---|---|----------------------|
| In re:  | ) | Bankruptcy Case      |
|   | ) | No. 19-30088-DM      |
| PG&E CORPORATION,   | ) |                      |
|   | ) | Chapter 11           |
| - and -   | ) |                      |
|   | ) | Jointly Administered |
| PACIFIC GAS AND ELECTRIC COMPANY,                                       | ) |                      |
|   | ) |                      |
| Debtors.  | ) | Date: April 29, 2020 |
|   | ) | Time: 10:00 a.m.     |
| <input type="checkbox"/> Affects PG&E Corporation                       | ) | Place: Courtroom 17  |
| <input type="checkbox"/> Affects Pacific Gas and Electric Company       | ) | 450 Golden Gate Ave. |
| <input checked="" type="checkbox"/> Affects both Debtors                | ) | 16th Floor           |
|   | ) | San Francisco, CA    |
| <i>* All papers shall be filed in the Lead Case, No. 19-30088 (DM).</i> | ) |                      |
|   | ) |                      |
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|   | ) |                      |
|   | ) |                      |

**ORDER GRANTING MOTION TO EXPUNGE CLASS PROOF OF CLAIM**

Certain fire victim creditors ("Movants") filed a motion to expunge creditor GER Hospitality's ("GER") filed class proof of claim (dkt. #6438, amended dkt. #6675) (the "Motion"). GER filed an opposition (dkt. #6716), Debtors filed a statement (dkt. #6765), and Movants filed a reply (dkt. #6887). The court took the matter under submission prior to the scheduled hearing.

1 Movants correctly point out that, despite over a year having gone by since GER first  
2 filed its class proof of claim on January 29, 2019,<sup>1</sup> GER has yet to file a motion to allow its  
3 class proof of claim pursuant to Federal Rule of Bankruptcy Procedure (“FRBP”) 7023. In its  
4 opposition, GER did not defend its failure to act but instead suggested that it is more  
5 appropriate to allow the trustee of the anticipated fire victims’ trust to administer this proof of  
6 claim (and all similar claims) and deal with it and them in whatever manner he chooses.

7 The court considers this non-responsive to the issue at hand, which is whether GER’s  
8 class proof of claim should survive despite no affirmative actions on its part, with confirmation  
9 looming. The court has already twice during this case dealt with and turned down two attempts  
10 by other parties to prosecute class claims. It has also permitted an extended claims filing  
11 process for tens of thousands of fire claimants.

12 In a footnote, GER points out that this court cannot prematurely determine whether its  
13 proposed class claim meets the requirements of FRBP 7023 because it has not yet filed a motion  
14 to certify its class. The footnote then goes on to state, “GER Hospitality should have the  
15 opportunity to brief and be heard on those questions at an appropriate time.” The “appropriate  
16 time” is long past. The opposition did not attempt to seek certification, which may have been  
17 appropriate. *See In re Sequoia Senior Solutions, Inc.*, 2017 WL 2533345 at \*1-2 (Bankr. N.D.  
18 Cal. 2017).

19 Because GER has not taken steps to certify its class, and its opposition to the Motion  
20 was non-responsive, the court hereby GRANTS the Motion. GER’s class proof of claim no.  
21 59725 is expunged. The underlying individual claim shall be preserved.

22 **\*\*\* END OF ORDER \*\*\***  
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<sup>1</sup> GER has since amended its claim (claim no. 59725).

**COURT SERVICE LIST**

ECF Recipients